

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

FEIN, SUCH, KAHN & SHEPARD, P.C.

Counsellors at Law

6 Campus Drive, Suite 304

Parsippany, New Jersey 07054

(973) 538-4700

Attorneys for New Jersey Higher
Education Student Assistance Authority
(HESAA)

R.A. LEBRON, ESQ.

HESA001

bankruptcy@fskslaw.com

In Re:

ROBERT JOSEPH CHESTER and BELINDA DAWN
CHESTER aka BELINDA DAWN CASTEEL aka
BELINDA CHESTER

Debtor(s).

Case No.: 24-22644 ABA

Adv. No.: 25-01033 ABA

Hearing Date:

Judge: Hon. Andrew B. Altenburg
Jr.

BELINDA DAWN CHESTER

Plaintiff(s)

v.

NJHESAA

Defendant(s)

**ANSWER TO COMPLAINT (AND SEPARATE
DEFENSES) OF NEW JERSEY HIGHER
EDUCATION STUDENT ASSISTANCE
AUTHORITY (HESAA)**

New Jersey Higher Education Student Assistance Authority (HESAA) ("HESAA" or "Defendant"), on behalf of itself, by and through its undersigned counsel, hereby provides its Answer to the allegations of Plaintiff, Belinda Dawn Chester ("Plaintiff" or "Debtor"), set forth in Plaintiff's Complaint ("Complaint"), and states as follows:

JURISDICTION

1. ADMITTED.

2. NEITHER ADMITTED NOR DENIED, as the allegations contained in this paragraph are conclusions of law, no response is required.

3. NEITHER ADMITTED NOR DENIED, as the allegations contained in this paragraph are conclusions of law, no response is required.

4. NEITHER ADMITTED NOR DENIED, as the allegations contained in this paragraph are conclusions of law, no response is required. To the extent the allegations in this paragraph are deemed otherwise, said allegations are specifically DENIED.

5. NEITHER ADMITTED NOR DENIED, as the allegations contained in this paragraph are conclusions of law, no response is required.

BACKGROUND FACTS

6. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research.

7. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research.

8. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research.

9. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research.

10. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research.

11. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research.

12. NEITHER ADMITTED NOR DENIED TO THE EXTENT A RESPONSE IS REQUIRED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research. HESAA is a separate entity from Sallie Mae/Navient. To the extent the allegations in this paragraph are deemed otherwise, said allegations are specifically DENIED.

13. NEITHER ADMITTED NOR DENIED TO THE EXTENT A RESPONSE IS REQUIRED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research. HESAA is a separate entity from Sallie Mae/Navient. To the extent the allegations in this paragraph are deemed otherwise, said allegations are specifically DENIED.

14. NEITHER ADMITTED NOR DENIED TO THE EXTENT A RESPONSE IS REQUIRED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research. HESAA is a separate entity from Sallie Mae/Navient. To the extent the allegations in this paragraph are deemed

otherwise, said allegations are specifically DENIED.

15. ADMITTED as to Plaintiff attended Atlantic Cape Community College but NEITHER ADMITTED NOR DENIED as to the Academy of Culinary Arts. Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research.

16. ADMITTED.

17. NEITHER ADMITTED NOR DENIED, as the allegations contained in this paragraph may be conclusions of law. To the extent the allegations in this paragraph are deemed otherwise, said allegations are specifically DENIED.

18. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research.

19. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research.

20. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research.

21. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research.

22. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and

same will require further research. HESAA is a separate entity from Sallie Mae/Navient. To the extent the allegations in this paragraph are deemed otherwise, said allegations are specifically DENIED.

23. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research but DENIED as the statement is overly broad and conclusionary. Further, the allegations contained in this paragraph may be conclusions of law; as such, no response is required. To the extent the allegations in this paragraph are deemed otherwise, said allegations are specifically DENIED.

24. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research.

25. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research.

26. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research. HESAA is a separate entity from Navient. To the extent the allegations in this paragraph are deemed otherwise, said allegations are specifically DENIED.

27. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and

same will require further research. For additional context, upon information and belief, loan XXXXXX0254 is a defaulted student loan but loans XXXXX2702 and XXXXX0532 are current and in good standing.

28. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research but DENIED as the statement is overly broad and conclusionary. To the extent the allegations in this paragraph are deemed otherwise, said allegations are specifically DENIED.

COUNT 1

DISCHARGE OF STUDENT LOANS DUE TO UNDUE HARDSHIP

29. NEITHER ADMITTED NOR DENIED, as responses to this paragraph were already provided in paragraphs 6 through 28.

30. NEITHER ADMITTED NOR DENIED, as the allegations contained in this paragraph are conclusions of law, no response is required.

31. NEITHER ADMITTED NOR DENIED, as the allegations contained in this paragraph are conclusions of law, no response is required.

32. NEITHER ADMITTED NOR DENIED, as the allegations contained in this paragraph and subparagraphs are conclusions of law, no response is required. To the extent the allegations in this paragraph are deemed otherwise, said allegations are specifically DENIED.

33. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research. To the extent the allegations in this paragraph are deemed otherwise, said allegations are specifically DENIED.

34. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research. To the extent the allegations in this paragraph are deemed otherwise, said allegations are specifically DENIED.

35. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research. To the extent the allegations in this paragraph are deemed otherwise, said allegations are specifically DENIED.

36. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research. HESAA is a separate entity from Navient. To the extent the allegations in this paragraph are deemed otherwise, said allegations are specifically DENIED. To the extent the allegations in this paragraph are conclusions of law, a response is not required.

37. NEITHER ADMITTED NOR DENIED as Defendant does not yet have sufficient knowledge to admit or deny this statement and same will require further research. HESAA is a separate entity

from Navient. To the extent the allegations in this paragraph are deemed otherwise, said allegations are specifically DENIED.

38. As to the relief requested, DENIED as to the request to discharge cosigners including the related relief of credit reporting as cosigners have not brought this action and are not eligible for discharge. DENIED as to all other relief including removal of negative credit reporting irrespective of accuracy.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief may be granted pursuant to Fed. R. Civ. P. 12(b)(6), made applicable to adversary proceedings in the Bankruptcy Court by Fed. R. Bankr. P. 7012(b).

SECOND AFFIRMATIVE DEFENSE

The Complaint fails to establish that repayment of her student loan debt would cause the debtor undue hardship within the meaning of 11 U.S.C. § 523(a)(8)(B) as it is understood in the Third Circuit.

THIRD AFFIRMATIVE DEFENSE

The relief sought by the Plaintiff is barred by Estoppel.

FOURTH AFFIRMATIVE DEFENSE

The relief sought by the Plaintiff is barred by the Doctrine of Unclean Hands.

FIFTH AFFIRMATIVE DEFENSE

The Complaint fails to join necessary or indispensable

parties whose participation is required to ensure equal treatment of similarly situated creditors and the parties requesting relief.

SIXTH AFFIRMATIVE DEFENSE

The Plaintiff failed to serve the Complaint or service was improper.

SEVENTH AFFIRMATIVE DEFENSE

The relief sought by the Plaintiff, in whole or in part, is barred due to Lack of Standing.

SEVENTH AFFIRMATIVE DEFENSE

Defendant reserves the right to amend this Answer to assert additional separate defenses upon the completion of any investigation now being conducted and upon completion of discovery.

WHEREFORE, HESAA respectfully requests judgment in its favor and against Plaintiffs and such other relief as is just and equitable including awarding reasonable counsel fees and costs.

Respectfully submitted,
FEIN, SUCH, KAHN & SHEPARD, P.C.
Attorneys for New Jersey Higher
Education Student Assistance
Authority (HESAA)

/s/ R.A. Lebron, Esq.
R.A. LEBRON, ESQ.

DATED: March 10, 2025

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

FEIN, SUCH, KAHN & SHEPARD, P.C.

Counsellors at Law

7 Century Drive - Suite 201

Parsippany, New Jersey 07054

(973) 538-9300

Attorneys for New Jersey Higher

Education Student Assistance

Authority (HESAA)

R.A. LEBRON, ESQ.

LFS007

bankruptcy@fskslaw.com

In Re:

ROBERT JOSEPH CHESTER and BELINDA
DAWN CHESTER aka BELINDA DAWN
CASTEEL aka BELINDA CHESTER

Debtor(s).

Case No.: 24-22644 ABA

Adv. No.: 25-01033 ABA

Hearing Date:

Judge: Hon. Andrew B. Altenburg
Jr.

BELINDA DAWN CHESTER

Plaintiff(s)

v.

NJHESAA

Defendant(s)

CERTIFICATION OF SERVICE

1. I, Ruth Essington:

☐ represent the _____ in this matter.

☒ am the secretary/paralegal for FEIN, SUCH, KAHN & SHEPARD, P.C.,
who represents the Defendant, New Jersey Higher Education Student
Assistance Authority (HESAA) in this matter.

☐ am the _____ in the above case and am
representing myself.

2. On March 10, 2025, This office caused to be mailed a copy of the following pleadings and/or documents to the parties listed in the chart below:

- a. Answer to Complaint (and Separate Defenses) of New Jersey Higher Education Student Assistance Authority (HESAA).

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Belinda Dawn Chester 1053 Bally Bunion Drive Egg Harbor City, NJ 08215	Plaintiff/Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other: <u>Notice of Electronic Filing</u> (D.N.J. LBR 5005-1)
Brian Thomas Brian Thomas, Esq 327 Central Avenue Suite 103 Linwood, NJ 08221	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other: <u>Notice of Electronic Filing</u> (D.N.J. LBR 5005-1)
Robert Joseph Chester 1053 Bally Bunion Drive Egg Harbor City, NJ 08215	Co-Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> Other: <u>Notice of Electronic Filing</u> (D.N.J. LBR 5005-1)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input checked="" type="checkbox"/> Other: <u>Notice of Electronic Filing</u> (D.N.J. LBR 5005-1)

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Date: 03/10/25

/s/Ruth Essington
LEGAL ASSISTANT/PARALEGAL